Native Justice Consultations:

Progress Report and Action Plan

Ministries of Solicitor General,
Attorney General & Native Affairs

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Introduction

The first regional consultation on Native justice issues was held on November 7, 1989 in Agassiz, B.C. There have been 34 similar meetings across the province between November 1989 and the beginning of April 1990.

The report summarizes the discoveries of this first round of consultations. It offers a description and analysis of the strengths and weaknesses of the process as it stands now, identifies the key issues and common themes revealed through the regional discussions, and outlines the local-level responses already initiated within the regions.

The plan provides a direction for further changes to the administration of justice at both the local and provincial levels - changes that will help to make B.C.'s justice system more accessible, relevant and responsive to all Native British Columbians.

Most importantly, however, is the recognition that planning is a dynamic process. Comments on how the plan can be improved are the key to the ongoing consultation process.

Background to the Consultation Process

The Justice Reform Committee was appointed by the provincial government in November 1987 and presented its report to the Attorney General in November 1988. This report, *Access to Justice*, makes 182 recommendations for changes to the justice system of British Columbia to make it more accessible, understandable, relevant and efficient.

Access to Justice observes that many Native British Columbians have little or no confidence in the existing justice system; many see Canadian justice as imposing values which are at odds with traditional Native culture. The report also points out that "Native people have traditional values and customary ways that the justice system can and should accommodate. Native people tend to resolve disputes through mediation or conciliation: bringing the community together. There is much scope for this approach within the present justice system."

An extensive, three-month review of the Justice Reform Committee's report, however, revealed that the Native community had not significantly participated in the committee's information-gathering process. This limited participation, caused primarily by a lack of confidence in the justice system, led to Native British Columbians having a limited voice in determining the recommendations made by the committee and establishing the specific criteria for change.

In order to determine exactly how much scope there is for integrating Native values and customs, and to fully understand the views, interests and concerns of Native people, the Ministries of Attorney General, Solicitor General and Native Affairs began a series of local consultations, dealing specifically with Native justice issues, in the fall of 1989.

At that time, seven regional consultation committees, comprised of representatives from police services, the RCMP, crown counsel, and corrections, with advice from the provincial judiciary, were charged with the responsibility to:

- meet with representatives from local Native bands, tribal councils and off-reserve Native organizations;
- focus on problem-solving and issue resolution within the Native community;
- establish a process of on-going local communication;
- identify the common themes, key issues and specific priorities raised in local consultations;

- implement local-level changes in policy and practice;
- recommend provincial-level changes in policy and practice;
- recommend funding for services or programs at both the local and provincial levels.

A provincial steering committee, chaired by the Assistant Deputy Minister of Native Affairs and comprised of senior representatives from the Ministries of Attorney General, Solicitor General, Social Services and Housing and the RCMP, with advice from the Chief Judge of the Provincial Court, is responsible for managing and co-ordinating the consultation process.

Analysis of the Consultation Process

The primary goal of the consultation process is to provide an ongoing opportunity for Native British Columbians to work with the agencies of the justice system to discuss, identify, and resolve justice issues affecting the Native community.

There are a number of strengths and weaknesses in the current situation and the existing consultation process that will either help or hinder the full attainment of this goal.

Current Strengths

There is a strong commitment by Native communities to achieve greater self-determination and self-sufficiency. This commitment has led to:

- increased emphasis on full participation by all members of the community in consensus decision-making;
- development and diversification of the economic and financial base within Native communities;
- readiness to work with the justice system to address social concerns and take responsibility for crime prevention and the treatment of both victims and offenders within the community;
- willingness to assist non-Native people to understand Native history, culture and traditions.

There is a strong commitment by government to substantially improve its relationship with Native British Columbians and to change the existing justice system to increase Native access and understanding. This commitment has led to:

- creation of the Premier's Council on Native Affairs;
- desire of the justice system to be perceived by Native British Columbians as just, responsive and relevant;
- willingness of a variety of government ministries and agencies to find solutions to Native concerns and issues;

- allocation of senior and line staff by Ministries of Attorney General, Solicitor General and the RCMP for on-going consultations with Native bands and tribal Councils;

- readiness of regional justice staff to learn more about Native culture and to act immediately on the local issues identified by Native communities.

Current Weaknesses

Negotiating land claims remains the primary concern of many Native British Columbians. The delays in resolving land claims and their uncertain outcome has affected and will continue to affect the direction of the consultation process. In addition:

- some Native communities do not have the population and economic resources, or the infrastructure, to administer and deliver programs within the community;

- urban Natives and off-reserve Native groups do not have the community infrastructure and resources available to bands, tribal councils and on-reserve Native organizations.

A large number of the justice issues raised to date have proved to be local rather than regional issues. These issues could be handled more efficiently with smaller justice councils to work strictly at the local level. In addition:

- the current consultation process demands a significant time commitment by the representatives of both the Native community and the justice system;

- some issues requiring a provincial policy response may be perceived as unduly bureaucratic by both Native communities and representatives from the justice system;

- certain issues, such as hunting and fishing rights and counselling for sexual abuse, must be referred to agencies outside of the consultation process;

- the budget limits the range and scope of Native justice projects to be funded throughout the province;

- a gap may exist between that which is expected or desired and that which is readily achievable.

Key Issues and Common Themes

Most of the justice consultations to date have been informal round-table discussions, reflecting the Native people's traditional method of resolving issues through discussion and consensus.

These informal discussions have revealed a wide range of issues affecting justice in the Native community - from the very specific issues of increased court time and access to court services, improved response time from emergency and police services, the need for Native victim assistance, correctional and crime prevention programs and access by Native spiritual elders to Native offenders in provincial institutions - to a more general interest in programs for diverting Native offenders into the community and alternative sentencing and policing options.

These individual issues generally reflect the unique nature and specific priorities of each Native community. Five larger themes, however, have proved to be fundamental to all Native communities and all discussions to date:

1. Individual Native communities should assume increasing responsibility for providing justice services to their own people, through traditional conflict-resolution practices.

2. Native people should be encouraged to better understand the existing justice system; justice system personnel should be encouraged to better understand Native people, their traditions and culture.

3. Regular communication between Native people and the agencies of the justice system should be established.

4. A holistic approach to justice, integrating justice with broader social reconstruction initiatives, should be developed in Native communities.

5. Career opportunities should be created for more Native people to become involved in the delivery of justice services - non-native personnel should be able to see Natives as colleagues rather than just offenders or clients.

Action Taken

Each regional consultation committee has begun to implement immediate, local-level responses to both the specific issues raised in their regional discussions and the common themes identified throughout the province.

RCMP officers on south Vancouver Island are now holding mandatory quarterly meetings to resolve local Native policing issues, while Native crime prevention programs have begun throughout the south and mid-island regions. In addition:

- court now sits two days every second month in Alert Bay;
- judges, Native courtworkers and crown counsels now arrive in Alert Bay one day before court to allow greater access to services;
- a probation officer is now stationed in Alert Bay every Thursday to provide increased parole and probation services.

The Vancouver Regional Consultation Committee has responded to the oral and written submissions of over 25 urban Native service organizations by forming sub-committees to specifically address the issues and proposals in three primary areas:

- pre-court, including education and counselling programs in alcohol and drug abuse, sexual abuse and witness services;
- court, involving the need for plain language in court proceedings and the possibilities for diversion programs;
- post-court, including the need to have prison liaison workers, women's programs, Native brotherhood clubs and Native spiritual services available for Native inmates.

The Fraser Valley region has already held both an RCMP recruitment workshop and a mock hiring panel for potential Native correctional officers. In addition, the committee has:

- placed a student from the Native Education Centre at the Alouette River Correctional Centre;
- held meetings between local corrections chaplains and Native spiritual leaders to promote greater access to prisons and Native offenders;

- arranged for the temporary release of inmates at the Alouette River Correctional Centre to attend Native A.A. meetings in the community.

Consultations in the south-east interior have resulted in local RCMP representatives working to create local neighbourhood watches and establish other crime-prevention programs. Corrections and court services are planning a series of educational workshops and seminars for each band, while all local bands and tribal councils have been invited to:

- make representations to court for alternative sentencing and rehabilitation programs;
- contact local crown counsel to clarify court procedures;
- visit local corrections facilities to evaluate the treatment of Native offenders.

The South-West Interior Committee is currently working with volunteers from local bands to develop a proposal for a community-based victim assistance program and has:

- begun pro-active recruitment to increase the number of Native security officers at the Kamloops Regional Corrections Centre;
- introduced weekend RCMP training programs to expand the tribal police into new locations;
- started a course in Native traditions at the Kamloops Regional Corrections Centre;
- supported new probation sentences for impaired drivers to receive counselling.

The Cariboo/Peace region is currently developing new policies and strategies for the recruitment of Native corrections employees and is:

- working on a contract with the Chilcotin Justice Council for a new Native law centre;
- testing new procedures in Alkali Lake for the timely delivery of summonses and subpoenas;
- planning - with the three tribal councils in Williams Lake -for a one or two-day workshop on cultural awareness for all regional justice agencies.

The North Coast/Nechako region is working to develop new strategies for communication between Native bands and the RCMP and to:

- design and deliver public legal education workshops;
- create Native policing seminars;
- implement improved protocols to allow for more community involvement in the justice system - particularly the development of yearly RCMP action plans.

Action Planned

The Provincial Steering Committee on Native Justice Issues has developed a co-operative action plan to build on and extend the local-level response already initiated in each region of the province. This plan is designed to work in tandem with a similar initiative undertaken by the provincial judiciary. It attempts to use the strengths and alleviate the weaknesses of the consultation process to promote concrete action on the justice issues identified as priorities by Native British Columbians.

Goals/Action

This action plan is founded on a set of five goals arising from the five common themes identified throughout the province. The plan defines the specific action required by both the steering committee and the three central justice agencies - the Ministry of Attorney General, the Ministry of Solicitor General and the RCMP - in order to fully meet and complete each goal.

Goal 1:

To enhance and promote the understanding of Native history, traditions and culture within the justice system; to enhance and promote Native understanding of the justice system, the law and the role of police.

Action:

Steering Committee:

- co-ordinate the activities of the three justice agencies to ensure that the action taken is complementary;
- provide funding and other resources to assist Native communities and justice system staff throughout the province to deliver workshops, create training programs and develop training and information materials for cross-cultural awareness.

Ministry of Attorney General:

- hold cross-cultural workshops for headquarters staff of the Justice Support Services, Court Services and Criminal Justice branches;
- develop with the Native Education Centre a one-day program about the justice system;

- develop a communications policy which reflects the presence of B.C.'s Native communities;
- assess existing information materials in light of a specifically Native audience and develop a strategy for distributing public information to Native communities;
- prepare information packages to enhance existing crown counsel materials;
- include Native justice issues in training materials for deputy sheriffs, court clerks and managers;
- initiate training for the Court Management Board to work in partnership with Native communities;
- ensure that public legal education initiatives and law courts education activities include Native people in their programming.

Ministry of Solicitor General:

- organize, with local Native communities and justice agencies, on-reserve Native history and culture workshops;
- sponsor staff to attend conferences and workshops on Native justice issues;
- upgrade training and information materials for use at the police and corrections academy for recruit and in-service training;
- invite Native justice workers to participate in corrections academy courses;
- organize and sponsor training workshops for Native special constables and Native community workers on policing and community issues;
- ensure Native communities receive the solicitor general magazine and other informational materials.

RCMP:

- work with bands and tribal councils to organize regional cultural awareness seminars for RCMP officers, focusing on traditional values and customs specific to the area;
- upgrade training materials;
- ensure training materials are available on request to all local detachments.

Goal 2:

To improve communication, co-operation and co-ordination among the police, the government and Native people, to ensure a permanent system of local identification, discussion and resolution of Native justice issues.

Action:

Steering Committee:

- co-ordinate the activities of the three justice agencies to ensure that the action taken is complementary;
- establish 25 local justice councils to quickly respond to justice issues on the local level;
- provide resources and training for local justice councils through justice reform funds;
- publish *Native Justice Report* at regular intervals to provide both justice staff and Native communities with current information on issues and issue-resolution.

Ministry of Attorney General:

- involve increased number of crown counsel in local justice councils and consultations.

Ministry of Solicitor General:

- establish protocol agreements between probation offices and Native communities;
- consult with interested Native leaders on Native policing issues.

RCMP:

- continue meetings between the Commanding Officer, E-Division, the officer in charge of contract policing and Native bands, tribal councils and organizations to resolve policing issues as they arise;
- encourage commanding officers of sub-divisions to meet with Native groups within their districts;
- encourage detachment commanders to meet with Native communities in their regions.

Goal 3:

To provide Native communities with significant opportunities to assume responsibility for the delivery of justice programs and services.

Action:

Steering Committee:

- coordinate the activities of the two justice agencies involved to ensure that the action taken is complementary.

Ministry of Attorney General:

- identify, with RCMP and corrections, the Native communities where diversion and victim assistance programs would be suitable; encourage those Native communities to develop proposals;
- assist Native Courtworker and Counselling Association to define priorities and identify delivery models;
- negotiate with Native communities for on-reserve court sittings.

Ministry of Solicitor General:

- invite Native proposals for diversion, community work/service and attendance programs;
- seek Native contractors to provide culturally-based substance abuse, arts and crafts and lifeskill programs for provincial institutions;
- solicit contracts for Native-operated conditional release programs for youths and adults in partnership with Correctional Services of Canada or Ministry of Social Services and Housing where appropriate;
- explore, with Native communities, a reserve-based house arrest or other intermittent/short-term sentencing alternative;
- establish Native advisory committees for correctional institutions;
- ensure Native spiritual leaders are accorded the same recognition and status as chaplains;
- amend corrections policy to accommodate smudging, sweat lodges and other ceremonial practices.

Goal 4:

To develop a framework for policies and procedures to accommodate pre-court diversion, alternative policing, sentencing and conditional release programs undertaken by Native communities.

Action:

Steering Committee:

- co-ordinate the activities of the three justice agencies to ensure that the action taken is complementary;
- approve funding for programs operated by Natives for Natives;
- develop specific criteria, procedures, program content and evaluation standards for diverting Native offenders into the Native community.

Ministry of Attorney General:

- facilitate, through crown counsel, Native involvement in sentencing.

Ministry of Solicitor General:

- consult with Native leaders to establish framework for Native peacekeeping and input on sentencing and conditional release;
- develop a cost-sharing agreement with the Federal Department of Indian and Northern Affairs for funding Native policing in B.C.;
- advise Native communities of their right to file submissions to the B.C. Parole Board.

RCMP:

- assist and cooperate with Native peacekeeping programs;
- establish protocol assistance with those Native communities that establish peacekeeper or security officer programs.

Goal 5:

To provide additional career opportunities for Native people in the justice field.

Action:

Steering Committee:

- develop specific strategies, through personnel services, to increase Native employment in the justice system;
- provide liaison with Native placement organizations and post-secondary educational institutions to establish pre-employment training, outreach recruitment programs, field placement and practicums for students;
- circulate personnel postings to Native communities and organizations.

Budget Allocation

There is a budget of $2.5 million over two years for developing new Native-run victim assistance, diversion, legal education, cross-cultural awareness and other innovative programs. The allocation of funds will be determined by the issues identified in consultations and the proposals received from Native communities and organizations.

Criteria for funding new programs is described in Appendix 3. The provincial steering committee will direct project proposals of merit not fulfilling these criteria to other government or private funding sources if appropriate.

Evaluation

A formative evaluation will be conducted to determine whether the consultation process and the action plan are achieving what they set out to do. A similar evaluation will be conducted to ensure that the programs and contracts administered by Native communities and organizations are providing effective services to their client groups.

APPENDICES

Appendix 1: Native Justice Consultation Meetings

Date		Location	Participants
November	7	Agassiz	Chehalis, Katzie, Ft. Langley, Seabird Island, Chawathil bands
	9	Anaham Lake	Chilcotin Justice Council, Toosey, Alexandira, Anaham, Stone, Nemiah Valley, Redstone, Ulkatcho bands
	16	Chilliwack	Sto:Lo Nation Canada, Sto:Lo Tribal Council, Chilliwack Area Indian Council
	21	Vancouver	Native Youth Advisory Society, AIMS and AIMS Job Development Project and others
	22	Vancouver	Native Longhouse, Native Education Centre, Professional Native Women's Assoc. and others
	23	Kamloops	Adams Lake, Skeetchestn bands
December	1	Bella Bella	Heiltsuk Tribal Council
	5	Mill Bay	First Nations of South Island Tribal Council
	6	Hazelton	Gitksan-Wet'suwet'en
	7	Kitimat	Kitamaat Village (Haisla) Council
	8	Quesnel	Kluskus, Nazko, Quesnel Bands

Date		Location	Participants
December	12	Lillooet	Lillooet, Bridge River, Seton Lake bands and others
	13	Vernon	Okanagan Band, Okanagan Tribal Council and others
	14	Penticton	Osoyoos, Penticton, Lower Similkameen, Upper Similkameen Bands and others
	18	Savona	Skettchestn Band
	19	New Aiyansh	Nisga'a Tribal Council
January	9	Chase	Neskonlith Band
	9	Merrit	Lower Nicola Band
	9	Ladysmith	Mid-Island Tribal Council
	12	Williams Lake	Williams Lake Band
	16	Duncan	Cowichan Band
	19	Alkali Lake	Alkali Lake Band
	23	Cranbrook	Kootenay Area Indian Council
	23	Dease Lake	Tahltan Tribal Council
	23	Good Hope Lake	Kaska Dene
	24	Bella Coola	Oweekeeno-Kitasoo-Nuxalk Tribal Council
	30	Hutda Lake	Native Brotherhood (inmates)

Date		Location	Participants
February	2	Prince Rupert	North Coast Tribal Council, Haida Tribal Society
	15	Port Hardy	Kwatiutl District Council
	21	Masset	Haida Tribal Society
	23	Quesnel	Quesnel, Kluskus, Nazko Bands
March	1	Fort St. John	Treaty 8 Tribal Council
	6	Lytton	Nlak' Pamux Nation
April	5	Port Alberni	Nuu-Chah-Nulth

Meetings of the Attorney General with First Nations Organizations:

December	06	B.C. Congress - Assembly of First Nations
	15	Provincial organizations including: United Native Nations B.C. Association of Indian Friendship Centres Allied Indian Metis Society Native Courtworker and Counselling Assoc. Indian Homemakers Assoc. Aboriginal Council of B.C. B.C. Native Justice Coalition B.C. Native Womens Society UBC Native Law Program Legal Services Society, Native Programs Branch

Appendix 2: Membership Lists

Provincial Steering Committee on Native Justice Issues

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Mr. Val Pattee
Assistant Deputy Minister
Police Services Branch
Ministry of Solicitor General

Mr. Jim Graham
Assistant Deputy Minister
Corrections Branch
Ministry of Solicitor General

Chief Superintendent K.T. Kereluk
Officer in Charge of Contract Policing
RCMP

Mr. Wayne Ironmonger
Assistant Director
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	Ms. J. Thomson Director Program Support Services Ministry of Solicitor General
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	Mr. Gregory Cran Senior Program Manager Policy & Programs Division Police Services Branch Ministry of Solicitor General
	Mr. Rene de Vos Policy & Program Analyst Policy & Program Services Ministry of Attorney General
Advisor:	His Honour Chief Judge William J. Diebolt Provincial Court of British Columbia

Native Justice Consultation Committee Chairpersons
Sept. '89 - June '90

Vancouver Island/Coast:	Mr. Bob Gillen Regional Crown Counsel Criminal Justice Branch Ministry of Attorney General
Vancouver:	Constable Greg McCaffery Vancouver Police Department
Fraser Valley:	Mr. Ron Painter Project Director Corrections Branch Ministry of Solicitor General

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Ms. Paige Johnstone
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South-West Interior:

Sargeant Wayne Chenery
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Cariboo/Peace:

Mr. Trevor Barnes
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North Coast/Nechako:

Mr. Rob Watts
District Director
Corrections Branch
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Dease Lake/ Good Hope Lake/ Atlin	Ms. Heather Smart Probation Officer Probation & Family Court Services 120 - 3408 Kalum Street Terrace, B. C. V8G 2N6 Phone: 638-3231 Fax: 638-3477

Appendix 3: Funding Criteria for New Programs

Introduction:

The funding criteria described below will be applied to applications received from Native communities for justice-related projects.

The Steering Committee on Native Justice Issues will review and make decisions before March 31, 1990 on all applications and proposals received to date.

The steering committee will review any new applications and make funding decisions on these at two-month intervals: June 1st, August 1st and October 1st.

ACCESS TO JUSTICE

Funding for Aboriginal Justice Initiatives

As part of the implementation of the justice reform measures, funds are available to aboriginal people for activities which support the development of the delivery of justice in their communities.

Funds will be administered under the guidance of the Steering Committee on Native Justice Issues, composed of representatives from the Ministry of Attorney General, Solicitor General, Native Affairs and Social Services and Housing, as well as the RCMP.

Objective

The goal of the *ACCESS TO JUSTICE* funding is to make the justice system more relevant to aboriginal people by encouraging community-based projects, innovative programs or other initiatives which fit the funding criteria.

Parameters

Funding is available to bands and tribal councils, and to Native voluntary and non-profit groups.

Funding may be used for normal operating expenses (such as coordinator fees, employee benefits, travel, materials and supplies, operating expenses and similar expenditures), but will not be granted for capital expenditures.

Priorities

1. Priority in the 90/91 fiscal year will be given to proposals which address victim services and community diversion.

2. Preference is given to modest proposals which will allow funds to be utilized as effectively and in as many communities as possible.

3. Every attempt is made to ensure a balanced distribution of funds throughout the province and to both reserve and off-reserve communities.

Criteria

Proposals will:

- improve the administration of, or access to justice services for Native people;
- be managed and directed by Native people through bands and tribal councils or through Native organizations;
- be a response to a demonstrated community need related to the administration of justice;
- have the expressed support of the community and the involvement of community members;
- have the infrastructure in place to support the funded activity;
- have a reasonable budget and complementary funding from other sources if relevant;
- have the support of the regional consultation team for the area in which the activity will take place.

Proposal Requirements

A proposal will provide the following information:

- applicant name, address and telephone number;
- project name and contact person;
- time frame and the amount requested.

A proposal will describe how the proposed activities will enhance justice services for aboriginal people by including:

- clear objectives and measurable outcomes;
- needs statement or assessment;
- client-group description;